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EXAMINER

WILSER, MICHAEL P

ART UNIT	PAPER NUMBER
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2109

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/666,899

**Applicant(s)**

DETTINGER ET AL.

**Examiner**

Michael Wilser

**Art Unit**

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on September 18, 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/26/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the original filing of September 18, 2003. Claims 1-42 are pending and have been considered below.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 1064 on page 9, paragraph 0034, line 2, 206 on page 12, line 8, 204 on page 12, paragraph 0042, line 3, 206 on page 13, paragraph 0043, line 10, and 1002 on page 17, paragraph 54, line 3.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 702 in Figure 7, 802 in Figure 8, 905 in Figure 9, 1110 in Figure 11, and 1210 in Figure 12A.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. The disclosure is objected to because of the following informalities: the examiner notes the use of acronyms (e.g. ID, URL, API, etc.) throughout the specification without first including a description in plain text, as required.

6. In the Brief Description of the Drawings the applicant only supplies a brief description for Figures 1-12. Where as the drawings submitted with the specification contain a Figure 12A, 12B, 13, and 14 which are not in the brief description. These figures need to be added to the brief description for the specification to be in accordance.

7. On page 17 of the specification paragraph 054, line 1 the applicant refers to Figure 10 but then proceeds to describe the reference characters and flow chart of Figure 11. The examiner is interpreting this as a typographical error and that line 1 of paragraph 0054 should be referencing Figure 11.

8. The description of Figure 12 in the specification, pages 19-21, only refer to a Figure 12. In the drawings submitted with the application there is no Figure 12. There is a Figure 12A and 12B. The specification should state which parts of the Figure are part of 12A and which parts are part of 12B instead of lumping them all together.

Appropriate correction is required.

***Double Patenting***

9. Claims 16 and 34 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 13 and 31. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 101***

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 21-38 is drawn to a computer readable medium, which the applicant has defined in the specification (page 8, paragraph 0031, lines 8-10) to encompass an electronic transmission signal. The Office considers an electronic signal to be a form of energy. Energy is not a series of steps or acts and this is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a compilation of matter. Thus, an electronic transmission signal does not fall within any of the four categories of invention. Therefore, Claims 21-38 are not statutory.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1, 3, 9, 21, 23, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Stone (US 2003/0046615).

Claims 1 and 21: Stone discloses a method and medium comprising:

- a. initiating a primary executing entity configured to perform requests specific to the primary entity (page 1, paragraph 11);
- b. initiating a secondary executing entity configured to perform requests specific to the secondary entity (page 1, paragraph 11);
- c. performing requests by the primary and secondary entity (page 1, paragraph 11); and
- d. the secondary entity performing the same tasks as the primary entity in a time-delayed fashion while the first entity continue executing requests (page 1, paragraph 11 & pages 1& 2, paragraph 12).

However, Stone does not explicitly state that the state information for both entities are maintained separately. However, Stone shows that the two entities

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inherently maintain separate state information because the two entities compare results throughout the requests to ensure that no errors have occurred (pages 1 & 2, paragraph 12). Therefore, both entities would have to maintain their own state information to allow for this comparison to be made.

Claims 3 and 23: Stone discloses a method and medium as in Claims 1 and 21 above, and further discloses of:

- a. terminating the primary executing entity (page 1, paragraph 11); and
- b. performing requests performed by the terminated entity and not yet performed by the secondary entity (page 1, paragraph 11).

Claims 9 and 27: Stone discloses a method and medium as in Claims 1 and 21 above, and further discloses that the requests are time ordered and processed according to the time order (page 4, paragraph 46).

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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14. Claims 2, 11, 13, 16, 19, 22, 29, 31, 34, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone (US 2003/0046615) in view of Chamdani et al. (US 6,985,975).

Claims 2 and 22: Stone discloses a method and medium as in Claims 1 and 21 above, and further discloses of making the performance of the primary entity visible to the user (page 1, paragraph 11). However, Stone does not explicitly discloses of making the performance of the second executing entity transparent to the user. However, Chamdani discloses a similar method and medium for processing in which the second entity is transparent to the user (column 2, lines 20-27). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to make the secondary executing entity in Stone be transparent. One would have been motivated to have the second entity be transparent so that the user only <sup>w</sup>say the performance of the entity that was executing their requests since the secondary entity is only there as a fail safe.

Claims 11 and 29: Stone discloses a method and medium comprising:

- a. receiving user requests from a user (page 1, paragraph 8 & page 4, paragraph 40);
- b. performing requests by the primary and secondary entity (page 1, paragraph 11); and



c. the secondary entity performing the same tasks as the primary entity in a time-delayed fashion while the first entity continue executing requests (page 1, paragraph 11 & pages 1& 2, paragraph 12).

However, Stone does not explicitly state that the state information for both entities are maintained separately. However, Stone shows that the two entities inherently maintain separate state information because the two entities compare results throughout the requests to ensure that no errors have occurred (pages 1 & 2, paragraph 12). Therefore, both entities would have to maintain their own state information to allow for this comparison to be made.

However, Stone does not explicitly disclose of placing the user requests on a queue in a time-ordered manner and performing each task upon being placed on the queue. However, Chamdani discloses a similar method and medium for processing comprising placing user requests in a time-ordered queue (using first-in first-out queue management) (column 11, lines 54-65) and performing each request upon being placed on the queue (column 11, lines 54-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to place the request in Stone in a time-ordered queue and perform the task upon being placed in the queue. One would have been motivated to place the tasks in a queue since the system allows for multiple user requests to be processed by the system, the system would have to have a queue to store these requests until they arrived at their time to have access to the processor.

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Claims 13 and 31: Stone and Chamdani disclose a method and medium as in Claims 11 and 29 above, and Stone further discloses of making the performance of the primary entity visible to the user (page 1, paragraph 11). However, Stone does not explicitly discloses of making the performance of the second executing entity transparent to the user. However, Chamdani further discloses of making the second entity transparent to the user (column 2, lines 20-27). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to make the secondary executing entity in Stone be transparent. One would have been motivated to have the second entity be transparent so that the user only say the performance of the entity that was executing their requests since the secondary entity is only there as a fail safe.

Claims 16 and 34: Stone discloses a method and medium comprising:

- a. receiving user requests from a user (page 1, paragraph 8 & page 4, paragraph 40);
- b. performing requests by the primary and secondary entity (page 1, paragraph 11);
- c. making the performance of the primary entity visible to the user (page 1, paragraph 11); and
- d. the secondary entity performing the same tasks as the primary entity in a time-delayed fashion while the first entity continue executing requests (page 1, paragraph 11 & pages 1 & 2, paragraph 12).

However, Stone does not explicitly state that the state information for both entities are maintained separately. However, Stone shows that the two entities inherently maintain separate state information because the two entities compare results throughout the requests to ensure that no errors have occurred (pages 1 & 2, paragraph 12). Therefore, both entities would have to maintain their own state information to allow for this comparison to be made.

However, Stone does not explicitly disclose of placing the user requests on a queue in a time-ordered manner and performing each task upon being placed on the queue. However, Chamdani discloses a similar method and medium for processing comprising placing user requests in a time-ordered queue (using first-in first-out queue management) (column 11, lines 54-65) and performing each request upon being placed on the queue (column 11, lines 54-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to place the request in Stone in a time-ordered queue and perform the task upon being placed in the queue. One would have been motivated to place the tasks in a queue since the system allows for multiple user requests to be processed by the system, the system would have to have a queue to store these requests until they arrived at their time to have access to the processor.

However, Stone does not explicitly discloses of making the performance of the second executing entity transparent to the user. However, Chamdani further discloses of making the second entity transparent to the user (column 2, lines 20-27). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to make the secondary executing entity in Stone be transparent. One would have been

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motivated to have the second entity be transparent so that the user only say the performance of the entity that was executing their requests since the secondary entity is only there as a fail safe.

Claims 19 and 37: Stone and Chamdani disclose a method and medium as in Claims 16 and 34 above, and Chamdani further discloses of making the secondary executing entity visible to the user upon encountering an error by the primary entity (column 2, lines 20-27). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have made the secondary entity in Stone visible upon encountering an error by the primary entity. One would have been motivated to make the secondary entity visible so that the user request being handled by the secondary entity after the primary has failed are still seen by the user.

15. Claims 4-8, 10, 24-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone (US 2003/0046615) in view of Aguilera et al. (US 6,687,847).

Claims 4 and 24: Stone discloses of a method and medium as in Claims 1 and 21 above, but does not explicitly disclose that the executing entities are threads. However, Aguilera discloses of a similar method and medium for processing in which the executing entities are threads (column 2, lines 19-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have the entities in Stone be threads. One would have been motivated to have the entities in Stone be

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threads since threads are the primary means of execution within a processor in a computer system.

Claims 5 and 25: Stone discloses a method and medium as in Claims 1 and 21 above, and further discloses of the primary and secondary entities producing output (pages 1 & 2, paragraph 12). However, Stone does not explicitly disclose of displaying the output from the primary entity and discarding, without displaying, the output of the second entity. However, Aguilera discloses a similar method and medium for processing in which the primary output is displayed (column 2, lines 2-10) and the secondary output is discarded without being displayed (column 2, lines 2-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have displayed the primary output and disposed of the secondary output in Stone. One would have been motivated to display the primary output so that the user is getting the information back from the request it had placed to the processor along with disposing of the secondary output since if the first output returns correctly there would be no need to return or display a secondary output to the user.

Claims 6 and 26: Stone discloses of a method and medium as in Claims 1 and 21 above, and further discloses of:

- a. encountering an error by the primary entity (page 1, paragraph 11); and
- b. terminating the primary executing entity (page 1, paragraph 11).

However, Stone does not explicitly disclose of returning the user to a request being handled by the primary entity at the time that the error occurred. However, Aguilera discloses of a similar method and medium for processing in which the user is returned to a request being handled at the time the error occurred (column 2, lines 2-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to return the user to a request at the time of error in Stone. One would have been motivated to return the user to the request that caused the error to allow the request to be handled a second time by the secondary executing entity.

Claim 7: Stone discloses of a method as in Claim 1 above, and further discloses of:

- a. encountering an error by the primary entity (page 1, paragraph 11); and
- b. terminating the primary executing entity (page 1, paragraph 11).

However, Stone does not explicitly disclose of returning the user to a request being handled by the primary entity before the error occurred. However, Aguilera discloses of a similar method for processing in which the user is returned to a request being handled before the error occurred (column 2, lines 2-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to return the user to a request before the time of error in Stone. One would have been motivated to return the user to the request before the error occurred to allow the system to return to the state before the primary entity encountered the error.

Claim 8: Stone discloses of a method as in Claim 1 above, and further discloses of:

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- a. encountering an error by the primary entity (page 1, paragraph 11); and
- b. terminating the primary executing entity (page 1, paragraph 11).

However, Stone does not explicitly disclose of returning the user to a range of requests being handled between the primary entity and the secondary entity at the time that the error occurred. However, Aguilera discloses of a similar method for processing in which the user is returned to a range of requests being handled between the primary entity and the secondary entity at the time the error occurred (column 2, lines 2-10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to return the user to a range of requests being handled between the primary entity and the secondary entity at the time of error in Stone. One would have been motivated to return the user to the a request between the primary and secondary entity so that the secondary entity resumes control before the error occurred during execution of the primary entity

Claims 10 and 28: Stone discloses of a method and medium as in Claims 9 and 27 above, and further discloses of terminating the primary executing entity (page 1, paragraph 11). However, Stone does not explicitly disclose of performing by the secondary entity the tasks between the last task performed by the primary entity and the last task performed by the primary entity. However, Aguilera discloses of a similar method and medium for processing in which the secondary entity performs the tasks between the last task performed by the primary entity and the last task performed by the primary entity (column 2, lines 2-10). Therefore, it would have been obvious to one

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having ordinary skill in the art at the time of invention to perform the tasks between the last task performed by the primary entity and the last task performed by the primary entity in Stone. One would have been motivated to perform the tasks between the last executed task by the primary and secondary entities on the secondary entity so that the currently executing entity is at the same point in processing the user request at which the primary terminated.

16. Claims 12, 14-15, 17-18, 20, 30, 32-33, 35-36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone (US 2003/0046615) and Chamdani et al. (US 6,985,975) as applied to claims 11, 16, 29, and 34 above, and further in view of Aguilera et al. (US 6,687,847)

Claims 12 and 30: Stone and Chamdani disclose a method and medium as in Claims 11 and 29 above, and Stone further discloses of:

- a. encountering an error by the primary entity (page 1, paragraph 11); and
- b. terminating the primary executing entity (page 1, paragraph 11).

However, Stone nor Chamdani do not explicitly disclose of returning the user to a request being handled by the primary entity at the time that the error occurred.

However, Aguilera discloses of a similar method and medium for processing in which the user is returned to a request being handled at the time the error occurred (column 2, lines 2-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to return the user to a request at the time of error in Stone and



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Chamdani. One would have been motivated to return the user to the request that caused the error to allow the request to be handled a second time by the secondary executing entity.

Claims 14, 17, 32, and 35: Stone and Chamdani disclose a method and medium as in Claims 11, 16, 29, and 34 above, but do not explicitly disclose that the executing entities are threads. However, Aguilera discloses of a similar method and medium for processing in which the executing entities are threads (column 2, lines 19-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have the entities in Stone be threads. One would have been motivated to have the entities in Stone and Chamdani be threads since threads are the primary means of execution within a processor in a computer system.

Claims 15, 18, 33, and 36: Stone and Chamdani disclose of a method and medium as in Claims 11, 16, 29, and 34 above, but do not explicitly disclose that the executing entities are executable code elements of an application. However, Aguilera discloses a similar method and medium for processing in which the entities are executable code elements of an application (programs) (column 2, lines 19-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have the entities in Stone and Chamdani be executable code. One would have been motivated to have the entities be executable code since one of the main functions of a processor is to execute the code of applications and programs running in the system.

Claims 20 and 38: Stone and Chamdani disclose of a method and medium as in Claims 16 and 34 above, and Stone further discloses of:

- a. encountering an error by the primary entity (page 1, paragraph 11); and
- b. terminating the primary executing entity (page 1, paragraph 11).

However, Stone nor Chamdani do not explicitly disclose of returning the user to a request being handled by the primary entity before the error occurred. However, Aguilera discloses of a similar method and medium for processing in which the user is returned to a request being handled before the error occurred (column 2, lines 2-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to return the user to a request before the time of error in Stone and Chamdani. One would have been motivated to return the user to the request before the error occurred to allow the system to return to the state before the primary entity encountered the error.

17. Claims 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone (US 2003/0046615) in view of Chamdani et al. (US 6,985,975) and Aguilera et al. (US 6,687,847).

Claim 39: Stone discloses a system comprising:

- a. primary executing entity configured to process requests (page 1, paragraph 11);

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b secondary entity processing requests in a time-delayed manner with respect to the primary entity (page 1, paragraph 11 & pages 1 & 2, paragraph 12);

c. making the performance of the primary entity visible to the user (page 1, paragraph 11);

d. encountering an error by the primary entity (page 1, paragraph 11); and

e. terminating the primary executing entity (page 1, paragraph 11).

However, Stone does not explicitly disclose of placing the user requests on a request queue in a time-ordered manner and performing each task upon being placed on the queue. However, Chamdani discloses a similar system for processing comprising placing user requests in a time-ordered queue (using first-in first-out queue management) (column 11, lines 54-65) and performing each request upon being placed on the queue (column 11, lines 54-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to place the request in Stone in a time-ordered queue and perform the task upon being placed in the queue. One would have been motivated to place the tasks in a queue since the system allows for multiple user requests to be processed by the system, the system would have to have a queue to store these requests until they arrived at their time to have access to the processor.

However, Stone does not explicitly discloses of making the performance of the second executing entity transparent to the user. However, Chamdani further discloses of a system for processing in which the second entity is transparent to the user (column 2, lines 20-27). Therefore it would have been obvious to one having ordinary skill in the art at the time of invention to make the secondary executing entity in Stone be

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transparent. One would have been motivated to have the second entity be transparent so that the user only say the performance of the entity that was executing their requests since the secondary entity is only there as a fail safe.

However, Stone does not explicitly disclose of making the secondary entity visible upon encountering an error by the primary entity. However, Chamdani further discloses of making the secondary executing entity visible to the user upon encountering an error by the primary entity (column 2, lines 20-27). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have made the secondary entity in Stone visible upon encountering an error by the primary entity. One would have been motivated to make the secondary entity visible so that the user request being handled by the secondary entity after the primary has failed are still seen by the user.

However, Stone does not explicitly disclose of returning the user to a request being handled by the primary entity before the error occurred. However, Aguilera discloses of a similar system for processing in which the user is returned to a request being handled before the error occurred (column 2, lines 2-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to return the user to a request before the time of error in Stone. One would have been motivated to return the user to the request before the error occurred to allow the system to return to the state before the primary entity encountered the error.

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Claim 42: Stone, Chamdani, and Aguilera disclose of a system as in Claim 39 above, and Stone further discloses of a plurality of secondary entities each displaced by a number of user requests (page 1, paragraph 11 & pages 1 & 2, paragraph 12).

18. Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone (US 2003/0046615), Chamdani et al. (US 6,985,975), and Aguilera et al. (US 6,687,847) as applied to claim 39 above, and further in view of DeKoning (US 6,148,368).

Claim 40: Stone, Chamdani, and Aguilera disclose of a system as in Claim 39 above, but do not explicitly disclose of all of the requests by the primary and secondary entities being preserved so that they can be re-executed by a user after all errors have occurred. However, DeKoning discloses a similar system in which the user requests are preserved for re-execution at a later time (column 4, lines 8-26). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to have preserved the user requests in Stone, Chamdani, and Aguilera. One would have been motivated to preserve the error requests so that the user could run the requests through a debugger to find out what caused the errors.

Claim 41: Stone Chamdani and Aguilera disclose of a system as in Claim 39 above, but do not explicitly disclose of allowing the user to discard all requests from before the error and enter new requests. However, DeKoning discloses a similar system in which

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the user can discard requests and enter new requests (column 4, lines 8-26). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to allow the user to discard and enter new requests in Stone, Chamdani, and Aguilera. One would have been motivated to allow the user to discard requests and enter new ones so that if all executing entities ran into the same error the user could change the request and continue executing instead of being stuck in an error loop.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Emma et al. (US 2004/0154017) A Method and Apparatus for Dynamically Allocating Process Resources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Wilser whose telephone number is (571) 270-1689. The examiner can normally be reached on Mon-Fri 7:30-5:00 EST (Alt Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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MPW

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